

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

THOMAS O. CONDOS, BRANDON A.
BRANNING, BRYAN BRANNING,
JAMES R. ENGLISH, NICHOLAS E.
KLINGLER, CHRISTOPHER M.
LEUITT, JOHN L. LEWIS, TRAVIS
OLMSTED, ROBERT SANDERSON,
ERNEST G. VINE III, and others
similarly situated,

Plaintiffs,

vs.

PURE ENERGY SERVICES (USA),
INC.,

Defendant.

Case No. 07 - CV - 127 J

**ORDER SETTING NOTICE, CONSENT, AND PERSONAL INFORMATION
QUESTIONNAIRE**

By Order dated and filed October 25, 2007, the Court granted Plaintiffs' motion to certify this case as a collective action under the Fair Labor Standards Act, ordered Defendant to produce to Plaintiffs the names and addresses of similarly situated prospective plaintiffs on or before November 26, 2007, and ordered the parties' counsel to confer on the form of a proposed notice.

The parties have each submitted a proposed notice along with proposed consents

which differ in certain respects. The parties have also submitted their arguments in favor of their respective positions and the Court has heard oral argument on the issues. The Court has reviewed the Notice and it is hereby ORDERED:

1. The attached Notice is approved and shall be used.
2. Plaintiffs' Consent and Questionnaire are approved.
3. No later than (ten) 10 days after the date this Order is filed, Plaintiffs shall mail to all prospective plaintiffs provided by Defendant the Notice with the dates filled as set forth in this Order.
4. Plaintiffs shall have until (eighty-five) 85 days after the date this Order is filed, to file the consents of additional plaintiffs in this case. Plaintiffs shall fill in this date in paragraph 7 of the Notice and on the Consent.
5. On good cause shown, the parties may seek an extension of the date to join the case.
6. Plaintiffs' counsel shall notify Defendant's counsel of the names of any Notices that are returned in the mail. Defendant shall within ten (10) days of the date of notification provide Plaintiffs with the Social Security number of any prospective plaintiff whose Notice has been returned. Plaintiffs' counsel will use the Social Security number to attempt to locate that prospective plaintiff and send the Notice to the new address as soon as practicable. Plaintiffs shall maintain the Social Security numbers in a secure location and destroy the Social Security numbers of the prospective plaintiffs following the close of the Notice period.

7. Costs incurred in sending the Notice shall be borne initially by Plaintiffs without prejudice to the seeking of reimbursement of such costs from Defendant if Plaintiffs prevail in this case. Nothing in this paragraph or Order limits Defendant's right to oppose such reimbursement.

8. This Order is without prejudice to Plaintiffs' right to request that the Notice be sent, and an opportunity to join this case as a plaintiff be provided at a later date to individuals who become employed by Defendant after Defendant compiles and sends the list of prospective plaintiffs.

9. If there is a disagreement as to the interpretation of this Order or any matters related to the Notice process not covered by this Order, the parties shall meet and confer in good faith. If no agreement can be reached, the parties shall file a joint statement setting forth the issue of the positions of the parties.

Dated this 30th day of January, 2008.

/s/ Alan B. Johnson
ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE